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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARIA DEL CARMEN MARTINEZ
11 PATTERSON,

12 Plaintiff,

13 v.

14 AT&T SERVICES INC., a Delaware
15 Corporation,

16 Defendant.

Case No. C18-1180 RSM

ORDER RE: MOTIONS TO SEAL

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I. INTRODUCTION

This matter comes before the Court on Plaintiff Maria del Carmen Martinez-Patterson's Motion to Seal, filed on July 18, 2019, and Defendant AT&T Services Inc. (AT&T)'s Motion to Seal, filed on July 29, 2019. Dkts. ##20, 27. Both Motions relate to documents designated as "confidential" by AT&T under the parties' Protective Order and therefore filed under seal pursuant to Local Civil Rule 5(g). A full summary of the case is not necessary.

For the foregoing reasons, the Court DENIES Plaintiff's Motion to Seal (Dkt. #20) and GRANTS AT&T's Motion to Seal (Dkt. #27).

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II. DISCUSSION

“There is a strong presumption of public access to the court’s files.” Local Rules W.D. Wash. LCR 5(g). However, for sealed discovery documents attached to non-dispositive motions, the Ninth Circuit has found that this strong presumption is rebutted given that such documents are often “unrelated, or only tangentially related, to the underlying cause of action.” *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002)) (internal quotations omitted). Accordingly, a “good cause” showing under Rule 26(c) may suffice to keep under seal documents attached to non-dispositive motions. *Id.* Rule 26, which gives district courts flexibility in balancing and protecting the interests of private parties, states that “good cause” is shown where forbidding disclosure or discovery would “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” Fed. R. Civ. P. 26(c).

The Court’s Local Rules explicitly instruct parties to present legal and evidentiary support in a motion to seal. Normally that motion must include “a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations where necessary.” Local Rules W.D. Wash. LCR 5(g)(3)(B). However:

Where parties have entered a litigation agreement or stipulated protective order (see LCR 26(c)(2)) governing the exchange in discovery of documents that a party deems confidential, a party wishing to file a confidential document it obtained from another party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above. Instead, the party who designated the document confidential must satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion.

LCR 5(g)(3). In this case, the protective order stipulated and agreed to by the parties on February 28, 2019 explicitly states that “Local Civil Rule 5(g) sets forth the procedures that must be

1 followed and the standards that will be applied when a party seeks permission from the court to
2 file material under seal.” Dkt. #19 at 4.

3 **A. Plaintiff’s Motion to Seal**

4 Plaintiff’s Motion to Seal (Dkt. #20) concerns an organizational chart, employee
5 performance rankings, and an internal message exchange between AT&T employees designated
6 by AT&T as “confidential” under the Protective Order. Plaintiff relied on this material in support
7 of her Motion to Compel. Dkt. #20 at 2. Pursuant to Local Civil Rule 5(g), AT&T’s confidential
8 designations required Plaintiff to file these documents under seal. Plaintiff contends that the
9 records AT&T designated as “confidential” should not be sealed but claims that AT&T never
10 responded to Plaintiff’s request to remove the confidential designation. *Id.*

11 As the party designating the document confidential, AT&T was required to set forth the
12 applicable legal standard pursuant to LCR 5(g)(3)(B) and explain why a less restrictive alternative
13 was not sufficient. *See* Local Rules W.D. Wash. LCR 5(g)(3). However, AT&T has not filed a
14 response to Plaintiff’s Motion. Given the redactions on the organizational chart and the option to
15 redact any identifying information in the performance reviews, the Court finds that re-filing the
16 documents with redactions would sufficiently protect any confidential material.

17 Accordingly, the Court DENIES Plaintiff’s Motion to Seal (Dkt. #20) and ORDERS
18 Plaintiff to re-file the exhibits (Dkt. #23) with redactions of identifying information in the
19 performance reviews, Ex. M, and any identifying information or otherwise sensitive material in
20 the internal message exchange, Ex. R.

21 **B. Defendant’s Motion to Seal**

22 AT&T’s Motion to Seal (Dkt. #27) concerns information on AT&T’s corporate policies
23 and record retention practices. It also contains a longer excerpt of the internal message exchange

1 filed under seal by Plaintiff. *See* Dkt. #23, Ex. R. AT&T relied on this material in support of its
2 opposition to Plaintiff's motion to compel (Dkt. #24).

3 AT&T argues that the reports should be sealed on the basis that they contain proprietary
4 information that outweighs the general public right to access. Dkt. #27 at 2 (describing risk of
5 competitive harm). Plaintiff does not oppose AT&T's motion. The Court finds that AT&T has
6 sufficiently shown good cause to keep these documents under seal.

7 Accordingly, the Court GRANTS AT&T's Motion to Seal (Dkt. #27).

8 CONCLUSION

9 Having reviewed the relevant briefing, the declarations and exhibits attached thereto, and
10 the remainder of the record, the Court hereby finds and ORDERS:

- 11 1) Plaintiff's Motion to Seal (Dkt. #20) is DENIED. Within **fourteen (14) days** from
12 the date of this Order, Plaintiff shall re-file the exhibits (Dkt. #23) with redactions of
13 identifying information in the performance reviews, Ex. M, and any identifying
14 information or otherwise sensitive material in the internal message exchange, Ex. R;
15 2) Defendant's Motion to Seal (Dkt. #27) is GRANTED and the filing shall remain
16 sealed.

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18 DATED this 18th day of October 2019.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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